

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish a Framework for Network Architecture Development of Dominant Carrier Networks.	Rulemaking 93-04-003
Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.	Investigation 93-04-002
Order Instituting Rulemaking on the Commission's Own Motion Into Competition for Local Exchange Service.	Rulemaking 95-04-043
Order Instituting Investigation on the Commission's Own Motion Into Competition for Local Exchange Service.	Investigation 95-04-044

**ADMINISTRATIVE LAW JUDGE'S RULING LIFTING EX PARTE
COMMUNICATIONS BAN SOLELY ON THE ISSUE OF PRICING OF
UNBUNDLED LOOP AND UNBUNDLED SWITCHING NETWORK ELEMENTS
IN THE SECTION 271 PROCEEDING**

On December 5, 2001, the Assigned Commissioner in the above-titled proceeding established a ban on any and all ex parte communications in the Section 271 proceeding, pursuant to Rule 1.6 of the Commission's Rules of Practice and Procedure (Rules). In light of the February 27, 2002 issuance of the

draft decision establishing interim rates for Pacific Bell Telephone Company's unbundled loop and unbundled switching network elements, and the lifting of the attendant ex parte ban in the Unbundled Network Element (UNE) Reexamination Proceeding¹, I will lift the ban to a limited extent at the Assigned Commissioner's request, effective March 4, 2002.

The ex parte ban in the Section 271 Proceeding shall be lifted solely on the issue of pricing of unbundled loops and unbundled switching network elements. This significant component of the UNE Reexamination Proceeding is an integral issue in the Section 271 Proceeding. Thus, the ratesetting proceeding ex parte communications requirements that will be in effect for the UNE Reexamination Proceeding will also apply to the pricing issue in this matter. Pursuant to Rule 7(c) of the Commission's Rules, a party must provide notice to all other parties three days prior to the date of an individual ex parte meeting or telephone call with a Commission decisionmaker that the meeting or call will take place. The reporting requirements of Rule 7.1 shall also apply to any and all ex parte communications on the pricing issue.

¹ Consolidated Applications (A.) 01-02-024 and (A.) 01-02-035.

Accordingly, **IT IS RULED** that:

1. On March 4, 2002, the ban on ex parte communications with the Commission decisionmakers and the Commissioners' personal advisors shall be lifted in the Section 271 Proceeding solely on the issue of pricing of unbundled loops and unbundled switching network elements.

2. The ratesetting proceeding ex parte communications requirements of Rule 7 and the associated Rule 7.1 reporting requirements of the Commission's Rules, which will be in effect for the Unbundled Network Element Reexamination Proceeding, shall also apply in the Section 271 Proceeding.

Dated March 1, 2001, at San Francisco, California.

/s/ JACQUELINE A. REED

Jacqueline A. Reed
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Lifting Ex Parte Communications Ban Solely on the Issue of Pricing of Unbundled Loop and Unbundled Switching Network Elements in the Section 271 Proceeding on all parties of record in this proceeding or their attorneys of record.

Dated March 1, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.